



**Terry Tamminen**  
Secretary for  
Environmental  
Protection

# California Regional Water Quality Control Board

## Los Angeles Region

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Linda Purpus, Environmental Coordinator  
United Water Conservation District  
106 North 8<sup>th</sup> Street  
Santa Paula, CA 93060

### **WATER QUALITY CERTIFICATION FOR PROPOSED MAINTENANCE OF FREEMAN DIVERSION FACILITY AND FISH LADDER PROJECT (Corps' Project No. 2003-00147-AJS), SANTA CLARA RIVER, CITY OF OXNARD, VENTURA COUNTY (File No. 03-203)**

Dear Ms. Purpus:

Regional Board staff has reviewed your request on behalf of the United Water Conservation District (UWCD) for a Clean Water Act Section 401 Water Quality Certification for the above-referenced project. Your application was deemed complete on April 7, 2004.

I hereby issue an order certifying that any discharge from the referenced project will comply with the applicable provisions of sections 301 (Effluent Limitations), 302 (Water Quality Related Effluent Limitations), 303 (Water Quality Standards and Implementation Plans), 306 (National Standards of Performance), and 307 (Toxic and Pretreatment Effluent Standards) of the Clean Water Act, and with other applicable requirements of State law. This discharge is also regulated under State Water Resources Control Board Order No. 2003 - 0017 - DWQ, "General Waste Discharge Requirements for Dredge and Fill Discharges that have received State Water Quality Certification" which requires compliance with all conditions of this Water Quality Certification.

The Applicant shall be liable civilly for any violations of this Certification in accordance with the California Water Code. This Certification does not eliminate the Applicant's responsibility to comply with any other applicable laws, requirements and/or permits.

Should you have questions concerning this Certification action, please contact Valerie Carrillo, Lead, Section 401 Program, at (213) 576-6759.

\_\_\_\_\_[Original signed by]\_\_\_\_\_  
Dennis A. Dickerson  
Executive Officer

\_\_\_\_\_  
5/28/04  
Date

### **California Environmental Protection Agency**

\*\*\*The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption\*\*\*  
\*\*\*For a list of simple ways to reduce demand and cut your energy costs, see the tips at: <http://www.swrcb.ca.gov/news/echallenge.html>\*\*\*



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Our mission is to preserve and enhance the quality of California's water resources for the benefit of present and future generations.

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## ATTACHMENT A

### Project Information

File No. **03-203**

1. Applicant: United Water Conservation District  
106 North 8<sup>th</sup> Street  
Santa Paula, CA 93060  
Phone: (805) 525-4431      Fax: (805) 525-2661
2. Applicant's Agent: Linda Purpus
3. Project Name: Maintenance at Freeman Diversion Facility and Fish Ladder
4. Project Location: City of Oxnard, Ventura County  
  
Longitude: 119° 6' 28.08"; Latitude: 34° 17' 55.68"
5. Type of Project: Maintenance
6. Project Description: The Construction of the Freeman Diversion Facility was completed in 1991. The improvements, consisting primarily of a permanent concrete riverbed stabilization structure, were necessary for UCWD to maintain the ability to divert river water to groundwater recharge basins.  
  
*Purpose:*  
The purpose of the proposed project is to conduct maintenance activities at the Freeman Diversion Facility and Fish Ladder. The following project activities are proposed:
  - *Vegetation removal:*  
In accordance with an agreement with the Bureau of Reclamation, the Applicant is required to remove any vegetation from the roller compacted concrete (RCC) dam, as well as any vegetation within a 15-foot zone on both sides of the dam. The purpose for the maintenance of the vegetation is for the prevention of damage to the dam and to maintain visibility for inspection. The maintenance would take place yearly or bi-annually.

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In order to reduce risks to sensitive species, maintenance will be performed after the least Bell's vireo nesting period (April 1 to September 15), and before the steelhead migration period.

The temporarily impacted area will consist of a maximum of 0.81 acres.

- *Clearing obstructions from diversion canal and fish ladder:*

Currently, a debris and vegetated island is located on the southeast side of the dam near the diversion structure. If the island is not relocated, it is likely that the island will increase in size and water will be diverted to the northwest side of the dam, isolating the diversion canal and fish ladder from the stream. If this occurred, UCWD would be unable to continue diversion activities and steelhead would be unable to access the fish ladder to migrate above the dam. This operation will be performed on an as needed basis; in order to remove debris and relocate the vegetated island within the vicinity. If storm events have created blockage to or away from the fish ladder and diversion channel, measures to recreate passage or diversion capacity will be implemented.

The areas of temporary impact associated with this project would consist of approximately 0.26 acres.

- *Repair of equipment:*

In order to provide normal operation of the diversion dam facility, preventative and emergency maintenance on electrical and mechanical equipment (i.e. roller gates, etc.) will be required. Work activities will take place in accordance with California Department of Fish and Game conditions specified in the Streambed Alteration Agreement.

These activities would be limited to an area of temporary impact within 1,000 square feet or 0.23 acres.

- *Clearing of low-flow channel:*

Winter flows result in sediment deposits below the diversion dam, which prevent a direct steelhead migration route to the fish ladder. As part of the Army Corps 404 permit, a low-flow channel from the entrance of the fish ladder to the natural river channel must be maintained. The clearing of sediments will take place when the sediment has accumulated to an amount which provides limited

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access to the fish ladder. This component of the project will occur only in dry conditions and will not exceed more than one (1) working day. The maintenance may occur several times per year, depending upon storm events and sediment deposition.

The low-flow channel will be no more than 600 feet long and 12 feet wide, consisting of 0.17 acres of temporary impact.

- *Rip rap repairs:*

The rip-rap repairs would take place as necessary; in areas where large storm events have damaged sections of already existing rip-rap. The rip-rap would be replaced in order to prevent destabilization of the banks in the area of the diversion dam. Potential impacts from any replacement activities would be temporary. All surrounding areas would be restored to pre-project conditions and impacts will be minimized by performing work after the least Bell's vireo nesting period and before the steelhead migration period.

7. Federal  
Agency/Permit:

U.S. Army Corps of Engineers  
NWP No. 3 (Permit No. 2004-00147-AJS)

In 1989, the United Conservation Water District was issued a permit (86-116-TS) from Army Corps of Engineers for the construction of the Freeman Diversion Improvement Project. The diversion structure was completed in 1991.

8. Other Required  
Regulatory Approvals:

California Department of Fish and Game  
Streambed Alteration Agreement  
(Notification No. 1600-2003-5169-R5)

9. California  
Environmental Quality  
Act (CEQA)  
Compliance:

Pursuant to the requirements of CEQA, the California Department of Fish and Game filed a Notice of Exemption (NOE) for the proposed project on March 11, 2004.

10. Receiving Water:

Santa Clara River (Hydrologic Unit No. 403.11)

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11. Designated Beneficial Uses: MUN\*, IND, PROC, AGR, GWR, FRSH, REC1, REC2, WARM, COLD, WILD, RARE, MIGR, WET
- \* Conditional beneficial use
12. Impacted Waters of the United States: Non-wetland waters (vegetated streambed): 1.47 temporary acres
13. Dredge Volume: None
14. Related Projects Implemented/to be Implemented by the Applicant: The Applicant has not identified any related projects carried out in the last 5 years or planned for implementation in the next 5 years.
15. Avoidance/Minimization Activities: The Applicant has proposed to implement several Best Management Practices, including, but not limited to, the following:
- Disturbance or removal of vegetation shall only take place within designated areas approved by the Department of Fish and Game.
  - Disturbed portions of the stream channel within the high water mark, shall be restored to their original condition or design.
  - Prior to commencing construction, the Applicant shall provide a Surface Water Diversion Plan to the Regional Board for review and approval.
  - Vegetation will not be disturbed from March 1 to September 15 to avoid impacts to nesting birds.
  - Coordination shall take place with Department of Fish and Game and also a National Marine Fisheries Biologist to implement avoidance measures; in order to avoid impacts to steelhead.

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16. Required  
Compensatory  
Mitigation:

Special Condition C of the U.S. Army Corps of Engineers Permit 86-116-TS required that the UCWD offset the loss of any riparian wetland areas by development of the diversion facility. Mitigation requirements for all temporary losses have been satisfied. An additional 4.5 acres (2:1 mitigation ratio for 2.25 acres) of mitigation were required for the areas of riparian wetlands that were permanently lost by construction of the facility.

The mitigation site proposed for restoration is located on the north side of the Santa Clara River, at the corner of Saticoy Avenue and North Bank Drive. The mitigation site is approximately 10 acres. This area would sufficiently meet requirements for the original construction of the facility (2.25 acres impact) and the maintenance proposed in this Certification (1.47 acres impact).

The 10-acre site consists of both upland terrace and adjacent stream bank areas. The primary goal of the mitigation site is to preserve a natural open space where riparian wildlife can seek refuge during flood events. Also, reestablishment of a native plant community which includes arroyo willow and mulefat, in order to increase habitat for the endangered least Bell's vireo.

The mitigation design incorporates: 1) Preservation of mature native species that are currently established at the proposed site; 2) Removal of exotic species currently inhabiting the proposed site; 3) Replanting a diverse native community.

All requirements for the mitigation monitoring shall be in accordance with conditions set forth in this Certification (Attachment B).

## ATTACHMENT B

### Conditions of Certification File No. 03-203

#### STANDARD CONDITIONS

Pursuant to §3860 of Title 23 of the California Code of Regulations (23 CCR), the following three standard conditions shall apply to this project:

1. This Certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to §13330 of the California Water Code and Article 6 (commencing with 23 CCR §3867).
2. This Certification action is not intended and shall not be construed to apply to any activity involving a hydroelectric facility and requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license unless the pertinent Certification application was filed pursuant to 23 CCR Subsection 3855(b) and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
3. Certification is conditioned upon total payment of any fee required pursuant to 23 CCR Chapter 28 and owed by the Applicant.

#### ADDITIONAL CONDITIONS

Pursuant to 23 CCR §3859(a), the Applicant shall comply with the following additional conditions:

1. The Applicant shall submit to this Regional Board copies of any other final permits and agreements required for this project, including, but not limited to, the U.S. Army Corps of Engineers' Section 404 Permit and the California Department of Fish and Game's Streambed Alteration Agreement. **These documents shall be submitted prior to any discharge to waters of the State.**
2. The Applicant and all contractors employed by the Applicant shall have copies of this Certification, the approved maintenance plan, and all other regulatory approvals for this project on site at all times so they are familiar with all conditions set forth.
3. Fueling, lubrication, maintenance, operation, and storage of vehicles and equipment shall not result in a discharge or a threatened discharge to waters of the State. At no time shall the Applicant use any vehicle or equipment which leaks any substance that may impact water quality. Staging and storage areas for vehicles and equipment shall be located outside of waters of the State.



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### Conditions of Certification File No. 03-203

4. No construction material, spoils, debris, or any other substances associated with this project that may adversely impact water quality standards, shall be located in a manner which may result in a discharge or a threatened discharge to waters of the State.
5. The Applicant shall implement all necessary control measures to prevent the degradation of water quality from the proposed project in order to maintain compliance with the Basin Plan. The discharge shall meet all effluent limitations and toxic and effluent standards established to comply with the applicable water quality standards and other appropriate requirements, including the provisions of Sections 301, 302, 303, 306, and 307 of the Clean Water Act. This Certification does not authorize the discharge by the applicant for any other activity than specifically described in the 404 Permit.
6. The discharge shall not: a) degrade surface water communities and populations including vertebrate, invertebrate, and plant species; b) promote the breeding of mosquitoes, gnats, black flies, midges, or other pests; c) alter the color, create visual contrast with the natural appearance, nor cause aesthetically undesirable discoloration of the receiving waters; d) cause formation of sludge deposits; or e) adversely affect any designated beneficial uses.
7. The Applicant shall allow the Regional Board and its authorized representative entry to the premises, including all mitigation sites, to inspect and undertake any activity to determine compliance with this Certification, or as otherwise authorized by the California Water Code.
8. The Applicant shall not conduct any activities within waters of the State during a rainfall event, or at any period when site conditions would lead to excessive erosion. If any activities are to be held within **five (5) days** of a predicted rainfall event, the Applicant shall stage materials necessary to prevent water degradation on site, and shall ensure that all stabilization procedures are completed prior to the rainfall event.
9. No activities shall involve wet excavations (i.e., no excavations shall occur below the seasonal high water table). A minimum **5-foot** buffer zone shall be maintained above the existing groundwater level. If construction or groundwater dewatering is proposed or anticipated, the Applicant shall file a **Report of Waste Discharge** to this Regional Board and obtain any necessary NPDES permits/Waste Discharge Requirements prior to discharging waste. Sufficient time should be allowed to obtain any such permits (generally 180 days). If groundwater is encountered without the benefit of appropriate permits, the Applicant shall cease all activities in the areas where groundwater is present, file a Report of Waste Discharge to this Regional Board, and obtain any necessary permits prior to discharging waste.
10. All project activities not included in this Certification, and which may require a permit, must be reported to the Regional Board for appropriate permitting. Bank stabilization and

## ATTACHMENT B

### Conditions of Certification File No. 03-203

grading, as well as any other ground disturbances, are subject to restoration and revegetation requirements, and may require additional Certification action.

11. All surface waters, including ponded waters, shall be diverted away from areas undergoing grading, construction, excavation, vegetation removal, and/or any other activity which may result in a discharge to the receiving water. If surface water diversions are anticipated, the Applicant shall develop and submit a **Surface Water Diversion Plan** to this Regional Board. The plan shall include the proposed method and duration of diversion activities, erosion and sediment controls, and a map or drawing indicating the locations of diversion and discharge points. The plan shall be submitted prior to any surface water diversions. If surface flows are present, then upstream and downstream monitoring for pH, temperature, dissolved oxygen, turbidity, and total suspended solids shall be implemented. These constituents shall be monitored on a **daily** basis during the first week of diversion activities, and then on a **weekly** basis, thereafter, until the in-stream work is complete. Results of the analyses shall be submitted to this Regional Board by the **15th** day of each subsequent sampling month. A map or drawing indicating the locations of sampling points shall be included with each submittal. Diversion activities shall not result in the degradation of beneficial uses or exceedance of water quality objectives of the receiving waters. Any such violations may result in corrective and/or enforcement actions, including increased monitoring and sample collection.
12. The Applicant shall restore all areas of TEMPORARY IMPACTS to waters of the United States and all other areas of temporary disturbance which could result in a discharge or a threatened discharge to jurisdictional waters. Restoration shall include grading of disturbed areas to pre-project contours and revegetation with native species. The Applicant shall implement all necessary Best Management Practices to control erosion and runoff from areas associated with this project.
13. The Applicant shall submit to this Regional Board **Annual Mitigation Monitoring Reports** by **January 1<sup>st</sup>** of each year documenting all restoration and mitigation efforts, including, percent survival by plant species and percent cover. The reports shall include discussion of any monitoring activities and exotic plant control efforts. Representative pre and post photographs from designated stations shall be included in the reports. The reports shall be submitted by **January 1<sup>st</sup>** of each year for a minimum period of **five (5) years** after planting or until mitigation success has been achieved. This report shall include as a minimum, the following documentation:
  - (a) Color photo documentation of the pre- and post-project conditions;
  - (b) Geographical Positioning System (GPS) coordinates in decimal-degrees format outlining the boundary of the project and mitigation areas;

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### Conditions of Certification File No. 03-203

- (c) The overall status of project including a detailed schedule of work;
  - (d) Copies of all permits as required in Additional Condition 1;
  - (e) Water quality monitoring results compiled in an easy to interpret format; and
  - (f) A certified Statement of “no net loss” of wetlands associated with this project.
  - (g) A certified statement from the permittee or his/her representative that all conditions of this Certification have been met.
14. Prior to any subsequent maintenance activities within the project area, including clearing, maintenance by-hand, and/or the application of pesticides, the Applicant shall submit to this Regional Board a NOTIFICATION of any such activity. Notification shall include: (a) the proposed schedule; (b) a description of the project area; (c) the area of proposed temporary impact within waters of the State; (c) a description of any existing aquatic resources (e.g., wetland/riparian vegetation); and (d) any proposed compensatory mitigation. Notifications must be submitted a minimum of **three (3) weeks** prior to commencing work activities.
15. All applications, reports, or information submitted to the Regional Board shall be signed:
- (a) For corporations, by a principal executive officer at least of the level of vice president or his duly authorized representative, if such representative is responsible for the overall operation of the facility from which discharge originates.
  - (b) For a partnership, by a general partner.
  - (c) For a sole proprietorship, by the proprietor.
  - (d) For a municipal, state, or other public facility, by either a principal executive officer, ranking elected official, or other duly authorized employee.
16. Each and any report submitted in accordance with this Certification shall contain the following completed declaration:

“I declare under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who managed the system or those directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

**Conditions of Certification**  
**File No. 03-203**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(Signature)  
(Title)''

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## **ATTACHMENT B**

### **Conditions of Certification File No. 03-203**

- (c) In response to any violation of the conditions of this Certification, the SWRCB or RWQCB may add to or modify the conditions of this Certification as appropriate to ensure compliance.
- 21. This Certification shall expire **five (5) years** from date of this Certification. The Applicant shall submit a complete application prior to termination of this Certification if renewal is requested.